

## Appendix B

# Summary of Michigan Wildlife Damage and Nuisance Control Regulations



### Preface

The information provided in this appendix was taken from the Michigan Department of Natural Resources Information Circular 9152 (Revised December 2000), Wildlife Damage and Nuisance Control Regulations for Commercial Operators. The complete information circular is available by contacting the Wildlife Division at 517-373-1263.

### Introduction

The progressive loss of Michigan's woodlands and farmlands to development is increasing the chance for conflicts between humans and wildlife. Social trends, such as increased urbanization, increased populations of certain wildlife species, and finite government resources have combined to provide the opportunity for more involvement from the private sector in the prevention and control of wildlife damage and nuisance situations.

As development occurs:

1. Less land is available to wildlife. Natural habitat, like older woodlots with hollow trees, may not be readily available for wild animals. The lack of traditional den sites may cause wild animals to use chimneys and attics as alternate shelter or den sites (this is common for species such as squirrels and raccoons). Animals displaced from their habitat by new home or business construction may reestablish themselves in the new surroundings.
2. Reclusive species lose habitat, while opportunistic species, such as raccoons, build populations to unnaturally high densities.
3. Many people move from the city out into the country or a newly developed area, often bringing with them an unfamiliarity with wild animals and their habits.

These consequences of development can combine to make the problem of wildlife damage and nuisance control a major concern of urban and suburban dwellers.

### Wildlife Damage and Wildlife "Nuisance"

The term "damage" is easily understood, however, "nuisance" means different things to different people. For some, the mere presence of a red fox in the woods behind their house constitutes an intolerable situation. For others, glimpsing the same animal would be a thrilling and rewarding experience.

Obviously, education can play an important role in nuisance wildlife recognition and resolution. A wild animal that poses no real threat to the safety of the public, livestock, crops, or property should not be viewed as a nuisance simply because it exists. A public that is knowledgeable about the habits and life history of wild animals is better equipped to recognize and solve wildlife damage and nuisance situations.

The role of the DNR is to ensure the well being of the state's wildlife populations while also assuring that individual wild animals are not posing a threat to human safety or creating unreasonable property, crop, or

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livestock damage. As long as humans coexist with wild animals, conflicts, both real and perceived, will arise. The DNR attempts to resolve these conflicts through direct action, education, and technical assistance in cooperation with private businesses, the federal government, and other state agencies. Care must be taken to ensure that damage and nuisance control measures are necessary and warranted.

## **The Private Property Factor**

Wild animals exhibit a number of predatory and competitive behaviors that can be misinterpreted as cruel or detrimental by the public. These behaviors are natural, necessary for species survival, and should not be viewed as harmful. All wild animals, except those owned by special wild animal breeders or private hunting preserves, are public property. Under permit regulations only damage to private property may be controlled. Thus, complaints of predatory animals (e.g., hawks at bird feeders) or strife between other wild species are not truly damage situations and any action to kill, harm, capture, trap, or collect the “offending” predator is unwarranted and strictly prohibited by the wildlife laws.

## **The Role of Hunting and Trapping in Nuisance Control**

Some nuisance situations are the result of high populations of a particular species. An annual, regulated harvest during the hunting and trapping seasons is the preferred and often most practical method of reducing populations to alleviate animal-caused damage. A sustained annual harvest of raccoon, beaver, muskrat, bear, and other species provides recreation and income for sportspersons and is an important factor in decreasing the potential for wildlife damage to occur.

However, regular season hunting and trapping alone may not represent adequate solutions under the following circumstances:

1. If damage is extensive and occurs well outside of the normal hunting or trapping seasons.
2. If damage is the result of an individual animal rather than the overabundance of an entire population.
3. If problems are being caused by species that are normally not harvested during the hunting and trapping seasons, generally due to lack of harvest effort by sportspersons (i.e., red squirrel, skunk).
4. If problems are occurring in areas where hunting and/or trapping are not practical or permitted.

In such situations where regular season harvests are not successful or practical in controlling animal damage, a more structured approach to the problem is required.

## **Wildlife Damage and Nuisance Control Permits**

Under the authority of the Natural Resources and Environmental Protection Act and the Wildlife Conservation Order (WCO), the Department administers a permit system for damage and nuisance animal control when hunting and trapping cannot alleviate problems. The permit system allows nuisance wild animals and wild animals causing damage to property to be taken during times of the year and sometimes by methods not normally allowed under the regular hunting and trapping rules. Currently, no training is required to obtain a permit and permits are issued free of charge.

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Under the damage and nuisance control system the following types of permits are issued:

### 1. Damage and Nuisance Animal Control Permit

This permit, issued by a Conservation Officer or Wildlife Biologist, is provided to the landowner, lessee, or their designated agent and is not transferable. The permits are issued, following inspection, on a case-by-case basis. The regulations controlling these permits are found in WCO, Section 5.51 (and in information circular). This permit is issued by one of the DNR offices listed in the information circular.

### 2. Restricted Wildlife Damage and Nuisance Control Permit

This permit is issued to nuisance animal control businesses, agencies, and organizations that are not licensed by the Michigan Department of Agriculture as commercial pesticide applicators. The regulations regarding these permits are found primarily in WCO, Section 5.52 (and in information circular). This permit is issued by the Wildlife Division office.

### 3. General Wildlife Damage and Nuisance Control Permit

This permit, also only issued to nuisance animal control businesses, agencies, and organizations, is only issued to licensed commercial applicators certified in the category 7A (General Pest Control) or 7D (Vertebrate Pest Control) by the Michigan Department of Agriculture. The regulations related to these permits are found in WCO, Sections 5.52 and 5.53 (and in information circular). This permit is issued by the Wildlife Division office.

### 4. Project Control Permit

This is a specialized permit issued only to licensed pesticide applicators when pesticides are being proposed for use outside of buildings in areas which are not recognized industrial areas for the control of feral pigeons, starlings, and English sparrows. This permit is issued by the Wildlife Division office.

Any person undertaking wild animal damage or nuisance control must have one of these permits. Exception: raccoon and coyote may be taken on private property by a property owner or designee at any time if they are doing or about to do damage on private property (a license or written permit is not needed). Also, opossum, porcupine, weasel, red squirrel, skunk, ground squirrel, and woodchuck may be taken year-round with a valid small game hunting license. The regulations controlling these permits are found in the Wildlife Conservation Order (available online at [www.michigan.gov/dnr](http://www.michigan.gov/dnr) or in the information circular). The major difference between permits issued to landowners and those issued to businesses, agencies, and organizations is that the latter group is pre-authorized to undertake control measures on specific species in certain areas and at certain times upon complaint of the person suffering damage without individual inspections and individual permits being issued by DNR personnel. In addition, control measures for some wildlife species may be authorized by a conservation officer or wildlife biologist when legitimate damage is occurring without the necessity of issuing a separate Wildlife Damage Investigation and Control Permit form to the nuisance animal control business, agency, or organization.

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## **Record Keeping Requirements**

Each permittee must keep records of their nuisance animal control activities. Such records shall be summarized on the Department provided form. See the information circular for additional details.

## **Complaints**

All complaints regarding violations of the wildlife damage and nuisance control regulations by permittees should be forwarded to the LAW ENFORCEMENT DIVISION, PO BOX 30031, LANSING MI 48909 ATTENTION: LEGAL AND POLICY. If immediate action is required, call the nearest Department Office, Conservation Officer, or the toll-free RAP Hotline 1-800-292-7800. The Hotline number is exclusively for reporting violations and is not a general information number.